

1978 WL 34802 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 23, 1978

*1 The Honorable W. Sterling Anderson
Member
House of Representatives
Spartanburg County
Box 4866
Spartanburg, South Carolina 29301

Dear Mr. Anderson:

Thank you for your letter of March 7 forwarding a letter from Mr. Marvin E. Harrison relating to jury service difficulties.

I think Mr. Harrison's suggestion about more notice being required to be given to prospective jurors is a good one but it can probably be handled as it normally is—by exercise of discretion on the part of the jury commissioners and the clerk of court. If this is not effective, it will probably most appropriately be taken care of by action of the Supreme Court by its rule-making power. The statutes, as you know, now provide for the drawing of the jury not less than ten nor more than twenty days before the first day of each week of a term or court. Prompt notice after the drawing of the names at these times is somewhat in line with Mr. Harrison's suggestion and it can usually be accomplished by request made to the clerk of court. I do not think that the excusing of jurors from attendance should be delegated to the clerks of court but I think that the problems which Mr. Harrison has encountered reflect needs which ought to be addressed to the Supreme Court or the Legislature. For example, I believe that jury selection could be provided by having such a selection made without the presence of the judge being necessary, thus saving him important time. At the same time, legal questions which might arise, such as qualifications of the juror, etc., could be referred to the judge as they might arise. This is being done in a number of states and I think it would be a clear saving of time and money, plus, most importantly, excusing jurors from duty could be cared for in this manner, with a restriction that steps be taken to insure that a full panel is obtained, if necessary.

I think Mr. Harrison's letter is most constructive and I appreciate your sending it to me.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

1978 WL 34802 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.